

RULES OF THE COUNCIL
OF THE
CITY AND COUNTY OF HONOLULU

November, 2004

Honolulu, Hawaii

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FIRST MEETING OF THE COUNCIL

At twelve o'clock meridian on the second day of January in every odd-numbered year, or if January 2 is a holiday or a Sunday, on the next business day, the council shall meet in the council room at city hall. For purposes of the first meeting, "council room" means the council chamber or the city hall courtyard or a place designated in city hall by the presiding officer or the council upon proper six-day notice to the public.

The following rules of order and procedure shall govern the council:

RULE NO. 1

MEETINGS

1. The council shall hold regular meetings and meet at least once a month in the council chamber at city hall or at a place designated by the presiding officer upon proper notice to the public. The council may also hold other regular meetings and special meetings on any other day.
2. Special meetings may be called at any time by the chair, a majority of the councilmembers, or the mayor pursuant to Section 5-103(k) of the Revised Charter of the City and County of Honolulu 1973, as amended ("RCH"); subject, however, to the six-day public notice requirement under section 92-7 of the Hawaii Revised Statutes ("HRS").
3. The chair shall be authorized to schedule or reschedule the time, date, and/or subject matter of public hearings and to publish notice thereof in conformance with Section 13-106, RCH, or other applicable laws. The chair shall promptly notify all councilmembers and the clerk by written memorandum as to the scheduling or rescheduling of public hearings.

RULE NO. 2

ADJOURNMENTS

1. Meetings may be adjourned at any time by majority vote, and unless otherwise specified in the motion, every adjournment shall be deemed to be to the next regular meeting of the council.
2. If the council adjourns to any meeting place other than the council chamber at city hall, notice of the date, time and place of the meeting shall be published at least six days prior to such meeting in a daily newspaper of general circulation in the city, and written notice shall be given to all councilmembers at least six days prior to the meeting.

RULE NO. 3

QUORUM AND MAJORITY VOTE

1. A majority of the entire membership of the council shall constitute a quorum and the majority vote of the entire membership shall be necessary to take any action; provided, that an affirmative vote of at least two-thirds of the entire membership of the council shall be required for the following:
 - (a) To authorize the issuance of general obligation bonds. (Section 3-116.1, RCH.)
 - (b) To override the mayor's veto. (Section 3-203.1, RCH.)
 - (c) To find that an emergency exists due to a public calamity in order to waive the requirements of Section 3-202 of the Revised Charter pertaining to procedure. (Section 3-202.10, RCH.)
 - (d) To reject the mayor's proposal to change the duties and functions of existing executive departments or agencies, except semi-autonomous agencies and departments reporting directly to the mayor, and to combine, rearrange or rename the executive departments or agencies of the city Government. (Section 4-202, RCH.)
 - (e) To authorize the employment of special counsel to represent the council. (Section 3-107.5, RCH.)

- (f) To make any revision of or amendment to the general plan or any existing development plan proposed by the council or unendorsed by the director of planning and permitting if the planning commission disapproves the proposed revision or amendment, or recommends a modification thereof not accepted by the council, or fails to make its report within the period of thirty days after close of its public hearing or ninety days after its receipt by the commission, whichever occurs first. (Section 6-1511.2, RCH.)
 - (g) To make any revision of or amendment to the zoning ordinances which are proposed by the council if the planning commission disapproves the proposed revision or amendment or recommends a modification thereof not accepted by the council, or fails to make its report within the period of either thirty days after close of its public hearing or ninety days after its receipt by the commission, whichever occurs first. (Section 6-1513, RCH.)
 - (h) To pass on each of three readings, a resolution initiating amendments or revisions to the RCH. (Section 15-101(a), RCH.)
 - (i) To suspend without pay for not more than one month any member for disorderly or contemptuous behavior in its presence. (Section 3-107.4, RCH.)
 - (j) To comply with Chapter 92, HRS, ("Sunshine Law") for the addition of items to an agenda which have not met the filing deadline.
2. A majority of less than a quorum may adjourn from day to day and shall have power to compel the attendance of absent members.

RULE NO. 4

OFFICERS AND THEIR DUTIES

1. The officers of the council shall consist of the chair, vice-chair and floor leader. Each shall be elected by a majority vote of the entire membership of the council. Any vacancy shall be filled in like manner.

The chair shall be the presiding officer of the council and the chief executive officer of the legislative branch of the city. In the absence of the chair, the vice-chair shall act as chair of the council. In the absence of the chair and vice-chair, the floor leader shall act as chair. In the absence of the chair, vice-chair and the floor leader:

- (a) The chair may appoint a councilmember to act as chair pro tempore;
- (b) If no councilmember has been designated by the chair, the vice-chair may appoint a councilmember to act as chair pro tempore;
- (c) If no councilmember has been designated by the chair or the vice-chair, the floor leader may appoint a councilmember to act as chair pro tempore; or
- (d) If no councilmember has been designated by the chair, the vice-chair or the floor leader, the council may appoint a councilmember to act as chair pro tempore.

The council may appoint other officers pro tempore as required to conduct business.

2. It shall be the duty of the presiding officer:

- (a) To open all meetings of the council at the appointed hour by taking the chair and calling the council to order.
- (b) To call for the approval of the minutes.
- (c) To maintain order and proper decorum.
- (d) To announce the business before the council in the order prescribed by these rules.
- (e) To receive and submit all matters properly brought before the council, to call for votes upon the same, and to announce the results.
- (f) To receive all communications and present them promptly to the council.
- (g) To appoint all committees, unless otherwise directed by the council.
- (h) To authenticate by signature all acts of the council as may be required by law.
- (i) To make known all rules of the council when so requested, and to decide all questions of order, subject to an appeal to the council.
- (j) To promptly refer all bills, resolutions, and other matters brought before the council to the appropriate committee or committees, subject to an appeal by any committee chair, pursuant to procedures established by the

chair. A list of all referrals and any subsequent changes in referrals shall be filed with the clerk as public record.

- (k) Except as otherwise provided by these rules, to preside at all official executive sessions of the council.
 - (l) To prepare the agenda for meetings of the council; provided that any bill, resolution or other matter that is referred to a standing committee shall not thereafter be placed on the council agenda by the presiding officer unless: (1) the bill, resolution or other matter is referred to the council floor by committee report, in accordance with Rule 11; (2) the bill, resolution or other matter is time-sensitive and non-controversial, and both the council chair and the chair of the committee or chairs of the committees to which the matter has been referred concur in the placement of the matter on the council agenda; or (3) the placement of the bill, resolution or other matter on the council agenda is approved by a majority of the entire membership of the council by a memo signed by all members of such majority and directing the city clerk to place the bill, resolution or other matter on the council agenda, subject to the six-day notice requirement under section 92-7, HRS.
 - (m) To perform such other duties as may be required by law or such as may properly pertain to such office.
3. It shall be the duty of the chief executive officer of the legislative branch of the city:
- (a) To preside over staff meetings.
 - (b) To exercise direct supervision over agencies and staff of the legislative branch of the city subject to other provisions in these rules. Except with respect to each individual councilmember's personal staff, all hiring, termination, promotion, position reallocation, salary increases shall be subject to the concurrence of the majority of the council.*

Each councilmember shall be responsible for the direct supervision of his/her personal staff, including hiring, termination, promotion, and salary increase in accordance with the applicable provisions of the state and city

* Concurrence may be expressed through any of the following established forms: (1) administrative memorandum from the council chair to councilmembers requesting their concurrence in writing; (2) Memorandum from the council chair to councilmembers submitted to and concurred with by the council at a scheduled council meeting; or (3) council resolution introduced at and approved by the council at a scheduled council meeting.

laws, council rules, other personnel administration policies of the city, and the limitations of the legislative budget ordinance.

- (c) To provide for the coordination of all administrative activities and to see that they are honestly, efficiently, and lawfully conducted.
- (d) To sign all instruments requiring execution or agreement by the council.
- (e) To serve as the chief spokesperson and representative for the council for matters before the public, the state and federal governments, and the city administration.
- (f) To assist the chair and members of standing committees and subcommittees by assuring the availability of adequate administrative and staff support.
- (g) To develop an annual calendar of events to include, but not restricted to: council meetings, committee meetings, recesses, special meetings, holidays, etc.
- (h) To delegate by administrative directive any of the duties assigned to the chief executive officer.

4. It shall be the duty of the vice-chair:

- (a) To assist the chair in the supervision over agencies and staff of the legislative branch of the city.
- (b) To assist the chair in the coordination of all administrative activities of the legislative branch of the city.
- (c) To serve with the chair as spokesperson and representative for the council.
- (d) To assist the chair in providing adequate administrative and staff support to the chairs and members of committees and subcommittees.
- (e) To assist the chair in anticipating issues and problems deserving or in need of special meetings.

In the absence of the chair, the vice-chair shall exercise all the duties and powers of the chair.

5. It shall be the duty of the floor leader:

- (a) To assist in the coordination of all proceedings pending before the council.

- (b) To consult with committee chairs to set forth the legislative intent on the legislative matter before the council.
- (c) To be the council's parliamentarian to advise the chair, when requested, as well as any other councilmember. The parliamentarian may seek assistance from legal counsel.
- (d) Except as provided in Rule 8.4, in the absence of the vice-chair, the floor leader shall exercise all of the duties and powers of the vice-chair, and in the absence of the chair and the vice-chair, the floor leader shall exercise all of the duties and powers of the chair.
- (e) To perform such other duties as may be assigned by the council or as may properly pertain to such office.

In the absence of the floor leader, the presiding officer shall designate a floor leader pro tempore.

RULE NO. 5

CITY CLERK

1. The clerk shall be appointed by and serve at the pleasure of the council.
(Section 3-301, RCH.)
2. It shall be the duty of the clerk to serve in all matters as clerk of the council and its committees, to keep an accurate journal of proceedings, to make accessible to the general public, in a timely manner, all written materials of public record, and to perform such other duties prescribed by law or assigned by the council.
(Section 3-301, RCH.)

RULE NO. 6

OFFICE OF COUNCIL SERVICES

1. The director of the office of council services shall be appointed by the council.

2. The director shall perform such duties as assigned by the council or the chair to assist them in the exercise of legislative power. (Section 3-107.7, RCH.)

RULE NO. 7

COMMITTEES

1. There shall be three kinds of committees:
 - (a) standing committees;
 - (b) subcommittees; and
 - (c) the committee of the whole.
2. The chair of each standing committee shall schedule and preside over all meetings. In the chair's absence, the vice-chair shall perform the designated duties.
3. All bills, resolutions, and other matters referred to the appropriate standing committee(s) by the chair shall be placed on the agenda of the committee upon review by and under the direction of the committee chair.
4. Attendance of councilmembers shall be taken at all committee meetings. The record of attendance shall be maintained by the committee clerk and be available for public inspection in the clerk's office. A member shall notify the committee chair or, in his or her absence, the vice-chair when said member is unable to attend a meeting and give the reason therefor.

RULE NO. 8

STANDING COMMITTEES

1. There shall be a committee on executive matters. The council shall establish additional standing committees and shall determine the organization and membership of the committee on executive matters and the other standing committees by resolution.

2. All councilmembers not members of a particular standing committee may attend and participate in the discussion of all matters brought before the committee; however, except as provided in paragraph 4, they will not be entitled to vote.
3. In the absence of both the chair and vice-chair of a standing committee, the presiding officer shall appoint another committee member as committee chair pro tempore.
4. The presiding officer of the council shall serve as an ex officio nonvoting member of each of the standing committees of which the presiding officer is not a member. The ex officio nonvoting member shall serve as a regular voting member in the event a quorum is lacking, and may vote to break a tie vote. In the absence of the presiding officer, or if the presiding officer is a regular member of the standing committee, the vice-chair of the council, if not already on the standing committee, shall serve as the ex officio member of the standing committee.

When:

- (a) The presiding officer and vice-chair are both absent or both members of the standing committee; or
- (b) Either the presiding officer or vice-chair is absent and the other is a regular member of the standing committee;

the floor leader, if not already on the standing committee, shall serve as the ex officio member for purposes of establishing a quorum, but not to break a tie vote. In no event shall the ex officio member be counted in establishing the number of members to which the committee is entitled.

RULE NO. 9

COUNCIL ADVISORY COMMITTEES

Advisory committees may be created as needed by a standing committee chair with the concurrence of a majority of its members. An advisory committee shall consist of at least one councilmember from the standing committee and may include members from the private sector and representatives from other political subdivisions and other government agencies.

Advisory committees shall assist in the resolution or study of issues arising from specific areas of concern resulting from the main subject matter assigned to their respective standing committees. And in this regard to avoid duplication in the consideration of

issues, the council shall have but one advisory committee studying or undertaking to resolve a single subject or issue.

All communications and advice from an advisory committee shall be made to its standing committee.

Advisory committees shall serve until discharged by their standing committees.

RULE NO. 10

COMMITTEE ON EXECUTIVE MATTERS

1. Pursuant to Chapter 92, HRS, the committee on executive matters may resolve itself into executive session closed to the public upon an affirmative vote of two-thirds of the members present taken at an open meeting, provided the affirmative vote constitutes a majority of the membership of the committee, for one or more of the following purposes:
 - (a) To consider the hire, evaluation, dismissal, or discipline of an officer or employee of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;
 - (b) To deliberate concerning the authority of persons designated by the council to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;
 - (c) To consult with the council's attorneys on questions and issues pertaining to the council's powers, duties, privileges, immunities, and liabilities;
 - (d) To investigate proceedings regarding criminal misconduct;
 - (e) To consider sensitive matters related to public safety or security;
 - (f) To consider matters relating to the solicitation and acceptance of private donations; and
 - (g) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.

2. The committee may resolve itself into executive session for the purpose of considering claims as defined in M-71-104 for and against the city where the premature public disclosure of information would adversely affect the city's interest.
3. The clerk shall be the clerk of the committee. Except for minutes of executive sessions, the clerk shall make a complete record of all proceedings, which shall be kept as one of the records of the council.

RULE NO. 11

COMMITTEE REPORTS

1. Standing committees shall report on all matters referred to them.
2. Whenever any matter shall be referred to a committee, it shall be the duty of such committee to make diligent inquiry into all of the facts and circumstances connected with such matter. If necessary, the council or any committee shall have power to conduct investigations, and the presiding officer shall have the right to administer oaths and, in the name of the council, to subpoena witnesses and compel the production of papers pertinent thereto. (Section 3-120, RCH.)
3. The report of a committee on a bill or resolution shall state clearly the legislative intent and purpose of such bill or resolution, and the amendments, if any, proposed. If a substitute bill or resolution shall be reported in place of the one referred to such committee, the same must agree with the subject of the one submitted and returned to the council.
4. Whenever a committee fails to agree, the majority shall report and the same shall be the report of the committee. The minority of the committee may file a separate report.
5. When the same subject matter is referred to more than one committee, joint committee meetings may be held on that matter with members of both committees participating.

RULE NO. 11A

COMMITTEE OF THE WHOLE

1. The council may resolve itself into a committee of the whole to meet in executive session, closed to the public, for one or more of the following purposes enumerated in Section 92-5(a), HRS:
 - (a) To consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;
 - (b) To deliberate concerning the authority of persons designated by the council to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;
 - (c) To consult with the council's attorneys on questions and issues pertaining to the council's powers, duties, privileges, immunities, and liabilities;
 - (d) To investigate proceedings regarding criminal misconduct;
 - (e) To consider sensitive matters related to public safety or security;
 - (f) To consider matters relating to the solicitation and acceptance of private donations; and
 - (g) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.

The council shall not resolve itself into a committee of the whole for any other purpose.

2. The council may resolve itself into a committee of the whole to meet in executive session only upon the affirmative vote of two-thirds of the members present, provided that at least five councilmembers shall vote in the affirmative.
3. The council chair shall designate a councilmember to serve as chair of the committee of the whole. The designation may be made for all meetings of the committee of the whole or may be made on a meeting-by-meeting basis.
4. All councilmembers shall be members of the committee of the whole.

5. Notwithstanding Rule 11, the committee of the whole need not report on a matter submitted to it.
6. Each council meeting shall be deemed a meeting of the committee of the whole, and any item listed on the agenda of a council meeting shall be deemed to be listed on the agenda of a meeting of the committee of the whole.

RULE NO. 12

VOTING

1. All meetings of the council shall be open to the public, and every vote taken by the council shall be by open ballot. (Section 3-107.8, RCH.)
2. There shall be four methods of ascertaining the decision of the council upon any matter:

First, by a call of the roll of the members and a record made by the clerk of the vote of each member;

Second, by voice vote;

Third, by rising; or

Fourth, by unanimous consent.
3. Upon the request of any member of the council on any motion, the clerk shall call the roll. A member having a direct personal financial interest in the subject matter of the motion may abstain, but only by performing both of the following:
 - (a) By responding, "I abstain due to a conflict of interest"; and
 - (b) By having filed in accordance with Rule 13 a written disclosure of interest on the subject matter of the motion. This subparagraph shall not be construed as imposing a duty or requirement on a member to abstain from voting on a matter on which the member has filed a written disclosure.

Unless absent and excused from the meeting in accordance with Rule 23, if a member does not vote in the affirmative or negative or does not respond in a manner permitted under this paragraph, the member shall be deemed to have voted in the affirmative.

The clerk shall record each vote and each abstention in the journal and report to the presiding officer, who shall announce the result to the council.

4. Whenever the ayes and noes are called:
 - (a) A councilmember shall not be permitted to explain a vote or an abstention without the unanimous consent of the council; and
 - (b) If a councilmember is absent, excused or otherwise silent when the clerk first calls the councilmember's name, the clerk shall once again call the councilmember's name following the first roll call, and if the councilmember fails to respond the second time the councilmember's name is called, the councilmember's vote or excused absence shall be recorded in accordance with paragraph 3.

After the presiding officer's announcement of the result, a councilmember shall not be permitted to vote or to change a vote or an abstention.

RULE NO. 13

DISCLOSURE OF INTEREST

1. When a councilmember has made a disclosure in writing, as required by law, of a personal or private interest in any proposal pending before the council and its committees, as provided by Section 11-103, RCH, such disclosure shall be recorded in the minutes of the meetings of the council and its committees and shall be made a matter of public record prior to the taking of any vote on such proposal. Such written disclosures shall be applicable to all subsequent actions relating to the same subject matter.
2. Prior to any vote in the council or a committee on a proposal for which a councilmember has made a written disclosure of a personal or private interest, the councilmember also shall orally disclose the interest to the council or committee. When an oral disclosure is required under this subsection, the councilmember shall make the disclosure after each motion and second on the proposal, but before the commencement of debate on the motion or, if there is no debate, before the calling of the question on the motion.

RULE NO. 14

PETITIONS

Any person may petition the council. Petitions and other matters shall be in writing, signed by the petitioners or persons presenting them. All petitions shall be made part of the official records kept by the clerk and referred to committee as appropriate.

RULE NO. 15

MOTIONS

1. No motion may be received and considered by the council until the same has been seconded.
2. Motions and amendments may be verbal, but shall be reduced to writing, if requested by the presiding officer, and shall be read from the clerk's desk if so desired by at least three members.
3. After a motion is stated or read by the presiding officer, it is deemed in the possession of, and shall be disposed of by vote of the council. However, any motion may be withdrawn by the movant with consent of the corresponding second at any time before a decision or amendment.
4. Whenever any question is under discussion, the motions relative thereto shall be:
 - First, to lay on the table;
 - Second, previous question;
 - Third, to limit or extend limits of debate;
 - Fourth, to postpone to a certain time;
 - Fifth, to commit (or refer);
 - Sixth, to amend;
 - Seventh, to postpone indefinitely;
 - Eighth, to close the file on subject matter.

Such motions shall have precedence in the order named.* The first three motions shall be decided without debate.

*NOTE: Order of precedence of motion pursuant to **Robert's Rules of Order**.

5. When a motion in one of the above-mentioned categories fails or is decided in the negative, the same shall not be revived at the same meeting relative to the main question under discussion. If all are decided in the negative, the only remaining question shall be as to the passage or adoption of the bill, resolution, or other main question.
6. A councilmember may not speak longer than five minutes, nor may such member speak more than twice on the same question without leave of the presiding officer, subject to an appeal to the council, unless such speaker is the maker of the motion or sponsor of the matter pending, in which case such member may speak in reply, but not until every other councilmember choosing to speak has spoken.

RULE NO. 16

MOTION TO ADJOURN

A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business. A motion to adjourn other than to adjourn generally may be debated, but no one shall speak more than once on such motion.

RULE NO. 17

RECONSIDERATION

1. When a motion has been decided in the affirmative or negative, any councilmember voting with the majority may move for a reconsideration of the vote on the motion, and such motion shall take precedence over all other questions except a motion to adjourn. Except as to reconsideration of those motions described in paragraph 2, the motion to reconsider a vote on a motion and the reconsideration of that motion shall not be in order unless made at the same meeting as the vote to be reconsidered, and the vote on the motion to reconsider and on the reconsideration shall be taken at the same meeting as the vote to be reconsidered. Having once been made and decided, a motion to reconsider a vote shall not be renewed.
2. In the case of a bill which fails to pass on third and final reading, and a motion is made to reconsider the vote taken on the third reading of the bill and the motion is seconded, the vote on the motion to reconsider shall not be taken until the

expiration of at least 24 hours, as required by Section 3-202.4, RCH. Unless the motion to reconsider is decided prior to the next regular meeting of the council, the bill shall be placed on the agenda as the first order of business for the next regular meeting, and the vote on the motion to reconsider and the vote on the reconsideration shall be taken at that meeting. Until the motion to reconsider has been decided, the bill shall remain in the possession of the council and the clerk shall not transmit, file or otherwise dispose of the bill, unless the bill is deemed filed pursuant to ordinance or the time for passage of the bill has expired by operation of law. If the motion to reconsider fails, the vote on the bill previously taken shall become final and the clerk shall so note in the journal.

3. If neither the affirmative nor the negative receives a majority vote of the entire membership, or in the case of a motion for which a vote of two-thirds of the entire membership of the council is required for adoption, the requisite two-thirds vote is not received, the motion fails and the matter shall be placed on the agenda for filing at the next meeting; provided that any councilmember may move for reconsideration at the next meeting. If at the next meeting, a motion to file fails, and the matter is not otherwise disposed of by motion, the matter shall not be placed on the agenda for any subsequent meeting of the council except upon the written request of a majority of the members of the council.

RULE NO. 18

BILLS AND RESOLUTIONS

1. A bill or resolution may be introduced by any councilmember at a council or committee meeting. The original copy of any bill or resolution shall be in typewritten form, dated and signed by the introducer prior to consideration.
2. Except as provided in paragraph 3, any bill or resolution requiring three readings for adoption introduced pursuant to paragraph 1 above and placed on the agenda of the council may be passed on first reading prior to referral to a committee or committees by the presiding officer.
3. Any revision or amendment to a development plan, zoning ordinance, or subdivision ordinance being proposed by a councilmember which must be processed by the director of planning and permitting pursuant to Section 6-1511 or Section 6-1513, RCH, shall be referred by resolution to the director of planning and permitting.

No bill proposing a revision or amendment to a development plan, zoning ordinance, or subdivision ordinance, which is subject to the provisions of

Section 6-1511 or Section 6-1513, RCH, shall pass first reading without first being processed by the director of planning and permitting. Any bill introduced by a councilmember proposing a revision or amendment to a development plan, zoning ordinance, or subdivision ordinance which is subject to the above-referenced charter sections shall, after introduction, be referred to the appropriate committee without passage on first reading. Should the committee recommend council initiation of the proposed revision or amendment, the committee shall prepare and report out a resolution referring the bill to the director of planning and permitting for processing.

This rule shall not preclude the adoption of a resolution not prepared by a committee which refers a proposal for a revision or amendment to a development plan, zoning ordinance, or subdivision ordinance to the director of planning and permitting.

4. Bills and resolutions requiring three readings for adoption may be passed as a group on first reading by unanimous consent.*
5. A floor amendment to a bill or resolution shall not be acted upon unless a copy of the amended version has been presented to the clerk for preparation and distribution to each councilmember present.
6. A bill or resolution that is up for third or for final reading and is amended on the floor shall not be acted upon at the time of the floor amendment. Final action on such an amended bill or resolution shall be delayed for at least forty-eight hours from the time the floor amendment is approved. This requirement for a forty-eight hour delay shall not apply if the amendment has been posted in accordance with section 92-7, HRS, on the agenda for the meeting as a proposed floor amendment and a copy of the amended version has been filed with the office of the clerk for public inspection at least six calendar days before the meeting.

RULE NO. 19

ORDER AND DECORUM

1. While the presiding officer is putting any question or addressing the council or when a councilmember is speaking, no one shall engage in a private discourse.

*See Section 3-202, RCH, for further details on "Introduction, Consideration and Passage of Ordinances and Resolutions," and Section 3-203 for details on "Submission of Bills to the Mayor."

And while a councilmember is speaking, no one shall pass between such speaker and the chair.

2. When a councilmember or other person properly before the council wishes to speak, the speaker shall address the chair, be recognized before proceeding, and shall confine remarks to the question under discussion, avoiding personalities or abusive language.
3. If a councilmember or other person, in speaking or otherwise, transgresses these rules, the presiding officer or any councilmember may raise a question of order. The presiding officer shall then decide the question of order without debate, subject to an appeal to the council. In addition, the presiding officer may call for the sense of the council on any question of order.
4. Whenever any person is called to order while speaking, such person shall be in possession of the floor after the question of order is decided, and may proceed with the matter under discussion within the ruling made on the question of order.
5. No unauthorized person shall enter the floor of the council at any time except by permission of the presiding officer.
6. No person shall sit at the desk of a councilmember or clerk except the official to whom the desk is assigned.
7. No person or group shall use the chamber for meetings or any other purpose without first obtaining permission of the council chair.
8. All persons attending council meetings, including city employees, witnesses, members of the media and the general public, are expected to respect the dignity of the council in the use of wearing apparel, decorum, and general appearance.
9. The staff of the clerk's office may be called upon by the presiding officer of the council or a majority of the councilmembers to assist in the removal of any person or persons who have been deemed to have violated the order and/or decorum of the council.

RULE NO. 20

ORDER OF BUSINESS

1. After the opening message, roll call, introduction of guests, if any, and the approval of minutes, the presiding officer shall call for business in the following order:

Order of the Day, Morning Calendar

Bills and Resolutions (if any) on Third Reading

Bills and Resolutions (if any) on Second Reading

Bills and Resolutions (if any) on First Reading

Resolutions

Balance of Committee Reports

Unfinished Business

New Business

Committee of the Whole/Executive Session

Recess

Reconvene

Order of the Day, Afternoon Calendar

Public Hearing and Third and Final Reading Bills and Resolutions

Public Hearing and Second Reading Bills and Resolutions

Other Public Hearings

Announcements

Adjournment

2. Persons wishing to present oral testimony relating to items on the morning calendar at a council meeting may register to speak with the clerk no later than the

time posted for the start of the morning session. Persons wishing to testify on items posted on the afternoon calendar may register to speak no later than the time posted for the reconvening of the council meeting for the afternoon session. Persons wishing to present oral testimony on items posted on an evening calendar may register no later than the time posted for the start of the evening session.

Any speaker who has not registered prior to the foregoing deadlines may testify on items after those persons who have registered to speak on such items have testified, or may submit written testimony to the council by filing the same with the clerk at any council meeting.

3. Public speakers are requested, when possible, to provide fifteen (15) copies of their written testimony for the councilmembers and staff and additional copies for the news media.
4. In compliance with Chapter 92, HRS, any person wishing to present oral testimony on any item noticed on the council meeting agenda may do so consistent with Rule 31.

RULE NO. 21

PRIORITY OF BUSINESS

1. The majority of the entire membership of the council may, by motion, designate any matter to be a special order of business, which shall take precedence over all other business.
2. Except for the first meeting of the new council, the unfinished business in which the council was engaged at the time of the last adjournment shall have preference in the order of the day, and no business shall be received until such unfinished business is disposed of, unless by special leave of the council.
3. All questions relating to the priority of business to be acted upon by the council shall be decided without debate.

RULE NO. 22

QUESTIONS OF ORDER

A question of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for. Such question shall be decided by the presiding officer, without debate, subject to an appeal to the council.

RULE NO. 23

ATTENDANCE

No councilmember may absent himself/herself from a meeting of the council or from the service of the council unless such councilmember has been excused by the presiding officer.

RULE NO. 24

NEWS MEDIA

1. Members of the news media covering the business of the council may be assigned to selected areas by the presiding officer.
2. Members of the news media shall be permitted to televise and sound record the proceedings of the council under such rules and conditions as the presiding officer may prescribe.
3. Selected areas assigned to the members of the news media in the council chambers shall be exclusively for the use of the news media members. Unauthorized individuals shall not use or occupy said assigned areas.

RULE NO. 25

NEW RULES AND AMENDMENTS

A rule of the council may be altered or rescinded and a new rule may be adopted by a resolution approved by an affirmative vote of a majority of the entire membership of the council at an open meeting.

RULE NO. 26

SUSPENSION OF THE RULES

Unless superseded or prohibited by state or city law, these rules may be suspended by the affirmative vote of two-thirds of the entire membership of the council.

RULE NO. 27

WHEN RULES ARE SILENT

The rules of parliamentary practice, as set forth by **Robert's Rules of Order**, shall govern the council where the same are not inconsistent with these rules.

RULE NO. 28

MEMBERSHIP IN ORGANIZATIONS

1. The council and councilmembers may hold membership in educational and other organizations devoted to improving government operations and procedures.
2. The presiding officer may authorize the expenditure of funds for membership fees and other expenses of participation.

RULE NO. 29

RULES IN CONFLICT WITH CHARTER

If any rule contained herein is in conflict with the provisions of the RCH or the HRS, as amended, such rule shall be deemed invalid. Such invalidity shall not affect other rules contained herein, which can be given effect without the invalid rule, and to this end these rules are severable.

RULE NO. 30

APPEALS TO RULINGS OF THE CHAIR

A ruling of the chair shall not be subject to debate. However, the ruling may be appealed by any two councilmembers, one councilmember making the appeal and another seconding it. The question is then taken from the chair and vested in the council for final decision by majority vote of the entire membership of the council. A tie sustains the chair.

RULE NO. 31

PRESENTATION OF ORAL TESTIMONY AT COUNCIL AND COMMITTEE MEETINGS

Pursuant to state law, any private citizen may speak at any council or committee meeting, subject only to the following:

- (a) Council meeting. Persons wishing to present oral testimony at a council meeting may register to speak as provided in Rule 20. Oral testimony by members of the public on items:
 - (1) Listed on a council agenda for public hearing or under "New Business;" or
 - (2) Added to the council agenda pursuant to HRS Chapter 92 after the agenda has been filed with the clerk, and which items may be adopted or passed on final reading at the council meeting for which the agenda was filed,

shall be limited to three minutes. Oral testimony by members of the public on all other items listed on the council agenda shall be limited to one minute. By a vote of the majority of the members present, time for the public to speak may be extended.

- (b) Committee meeting. Persons wishing to present oral testimony at a committee meeting may register with the committee clerk no later than the time posted on the agenda for the meeting. Those persons who have registered to speak on an item shall be called to testify before persons who have not registered, but wish to provide oral testimony on such item. The time allotted to members of the public to present oral testimony on an agenda item shall be set by the committee chair. The time allotted shall be specified on the applicable posted committee meeting agenda.

RULE NO. 32

RESTRICTIONS ON EMPLOYMENT OF RELATIVES

1. A public officer of the legislative branch of city government may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the legislative branch of city government any individual who is his or her relative or domestic partner, or is a relative or a relative of a domestic partner of any public officer.
2. An individual appointed, employed, promoted, or advanced in violation of this rule is not entitled to pay, and money may not be paid from the city treasury to an individual so appointed, employed, promoted, or advanced.
3. For the purpose of this rule, "relative" means an individual who is related to a public officer of the legislative branch of city government as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
4. For the purpose of this rule, "domestic partner" means an adult, unrelated by blood, with whom a public officer: 1) has an exclusive committed relationship, 2) maintains a mutual residence, and 3) shares the cost of basic living expenses. A "relative of a domestic partner" means the father, mother, brother, sister, son or daughter of the domestic partner of a public officer.

5. For the purpose of this rule, "public officer" shall mean members of the council, the city clerk, the director of the office of council services, and the city auditor.

RULE NO. 33

CONSIDERATION OF MAYORAL APPOINTMENTS

Action by the council on requests by the mayor for confirmation or approval of an appointee or nominee to a public office or position shall be taken by resolution confirming or not confirming the appointee or nominee.

RULE NO. 34

RULES OF THE KAPIOLANI PARK TRUSTEES

Rules entitled "Special Rules of the Council as Trustees of Kapiolani Park," shall govern the council in their role as Trustees of Kapiolani Park.

SPECIAL RULES OF THE COUNCIL

AS TRUSTEES OF

KAPIOLANI PARK

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SPECIAL RULES OF THE COUNCIL
AS TRUSTEES OF KAPIOLANI PARK

The following rules shall apply to the council as the Trustees of Kapiolani Park (hereafter "Trustees" of "Trust Property"), in accordance with the Amended Findings of Fact and Conclusions of Law and Order in City and County of Honolulu v. Warren Price III and Kapiolani Park Preservation Society (S.P. No. 89-0015) ("Amended Findings") and the terms of the Kapiolani Park trust (hereafter "Trust").

RULE NO. T-1

MEETINGS OF TRUSTEES

1. The Trustees shall hold meetings of the Trustees or a committee of the Trustees separate from meetings of the council to take action on matters concerning the Trust or Trust Property. Separate meetings of the Trustees may be held in the council committee room or any other meeting place and be open to the public. The chair of the Trustees may call meetings of the Trustees at any time and the chair of a Trustee committee may call meetings of that committee at any time.

Meetings of the Trustees shall be conducted in accordance with chapter 92, Hawaii Revised Statutes ("HRS").

Persons wishing to present oral testimony at a Trustees' meeting shall register to speak with the city clerk no later than the time posted for the start of the Trustees' meeting. Upon request, the chair of the Trustees may waive the registration requirement. Any speaker who was unable to register prior to the foregoing deadline may submit written testimony to the Trustees by filing the same with the city clerk at any Trustees' meeting. Oral testimony by members of the public on items listed on a Trustee agenda shall be limited to three minutes. By a vote of the majority of the Trustees present, the time for the public to speak may be extended.

2. The clerk shall give notice of all Trustee and Trustee committee meetings in accordance with section 92-7, HRS.

RULE NO. T-2

OFFICERS OF THE TRUSTEES

1. The officers of the Trustees shall consist of the chair and vice-chair. The chair and vice-chair of the Trustees shall be the chair and vice-chair of the council committee designated by the council chair to handle Kapiolani Park Trust matters.
2. In the absence of the chair, the vice-chair shall act as chair of the Trustees, and in the absence of both the chair and vice-chair, the Trustees shall appoint a chair pro tempore as required to conduct business.
3. It shall be the duty of the chair of the Trustees to:
 - (a) Open and preside over all meetings of the Trustees;
 - (b) Call for the approval of the minutes;
 - (c) Maintain order and decorum;
 - (d) Announce the business before the Trustees;
 - (e) Prepare the report to the court on the administration of the Trust every year;
 - (f) Perform such other duties as may be required by law or such as may properly pertain to such office.
4. In the absence of the chair of the Trustees, it shall be the duty of the vice-chair of the Trustees to exercise all duties and powers of the chair.

RULE NO. T-3

QUORUM AND VOTING

1. A majority of the entire membership of the Trustees shall constitute a quorum for the transaction of business and the majority vote of the entire membership shall be necessary to take any action.
2. Every matter voted on by the Trustees shall be openly decided.

RULE NO. T-4

COMMITTEES OF THE TRUSTEES

1. The Trustees may create special committees by resolution adopted by a majority of its entire membership at a meeting of the Trustees. The resolution shall not be considered an action of the council.
2. Each special committee shall consist of three or more Trustees.
3. Committees shall assist in the resolution or study of issues facing the Trustees, provided that the designation of such committees and their duties shall not operate to relieve the Trustees, or any individual Trustee, of any responsibility imposed on him or her by law.

RULE NO. T-5

CITY CLERK TO SERVE TRUSTEES

The city clerk shall serve in all matters as clerk of the Trustees. The city clerk shall keep an accurate journal of the proceedings of the Trustees and perform all other duties assigned by the council as Trustees.

RULE NO. T-6

OFFICE OF COUNCIL SERVICES

The office of council services shall perform such duties as are assigned by the chair of the Trustees to assist the Trustees in the exercise of their duties.

RULE NO. T-7

CORPORATION COUNSEL

Unless otherwise determined by the Trustees, the Trustees shall designate and utilize the corporation counsel to serve as their legal adviser and representative and to represent the Trustees in all legal proceedings concerning the Trust and Trust Property.

RULE NO. T-8

REPORT OF THE TRUSTEES

On or before June 28, 1994, and at least every three years thereafter, the chair of the Trustees shall prepare a report to the first circuit court regarding the administration of the Trust; provided that the report shall be approved by a majority of the Trustees before it is submitted to the court.